

1 Bill No. Z-85- 05-13

2 ZONING MAP ORDINANCE NO. Z- 0785

3 AN ORDINANCE amending the City of  
4 Fort Wayne Zoning Map No. D-2.

5 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT  
6 WAYNE, INDIANA:

7 SECTION 1. That the area described as follows is hereby  
8 designated B-1-B (Limited Business) District under the terms of Chapter 33  
9 of the Code of the City of Fort Wayne, Indiana of 1974:

10 Part of the Northwest Quarter of Section 7, Township 30  
11 North, Range 12 East, in Wayne Township, Allen County,  
12 Indiana, more particularly described as follows:

13 Beginning at the Northeast corner of said Quarter  
14 section; thence South 89 degrees 56 minutes 27  
15 seconds West on the North line thereof 579.0 feet;  
16 thence South 00 degrees 08 minutes 33 seconds East  
17 a distance of 180.00 feet to the South right-of-way  
18 of a frontage road, which is the true point of  
19 beginning of this description; thence South  
20 00 degrees 08 minutes 33 seconds East a distance  
21 of 172.98 feet; thence along the arc of a tangent  
22 curve to the right having a central angle of  
23 25 degrees 00 minutes 00 seconds and a radius  
24 of 542.95 feet a distance of 236.91 feet; thence  
25 South 24 degrees 51 minutes 27 minutes seconds  
26 West a distance of 46.88 feet; thence along the  
27 arc of a tangent curve to the left having a central  
28 angle of 24 degrees 53 minutes 00 seconds and a  
29 radius of 602.95 feet a distance of 207.03 feet;  
30 thence South 89 degrees 56 minutes 27 seconds West  
31 a distance of 491.10 feet; thence North 23 degrees  
32 07 minutes 55 seconds West a distance of 18.81 feet;  
thence North 28 degrees 49 minutes 50 seconds West a  
distance of 89.15 feet; thence North 13 degrees  
27 minutes 48 seconds East a distance of 97.28 feet;  
thence North 25 degrees 06 minutes 36 seconds East a  
distance of 147.78 feet; thence North 89 degrees 56  
minutes 27 seconds East a distance of 187.59 feet;  
thence North 00 degrees 03 minutes 33 seconds West  
a distance of 320.00 feet; thence North 89 degrees  
56 minutes 27 seconds East a distance of 391.74 feet  
to the true point of beginning, containing 6.93 acres,

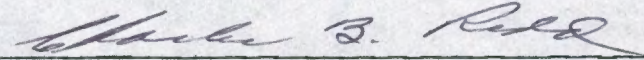
and the symbols of the City of Fort Wayne Zoning Map No. D-2, as established  
by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana  
are hereby changed accordingly.



1 Bill No. Z-85-

2 Page two

3  
4 SECTION 2. That this Ordinance shall be in full force and  
5 effect from and after its passage and approval by the Mayor.  
6

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8   
9 COUNCILMEMBER

10 APPROVED AS TO FORM AND LEGALITY

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12 BRUCE O. BOXBERGER, CITY ATTORNEY  
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Read the first time in full and on motion by Redd, seconded by Zabawa, and duly adopted, read the second time by title and referred to the Committee Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.

DATE: 5-14-85  
Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Redd, seconded by Stier, and duly adopted, placed on its passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>8</u>	<u>      </u>	<u>      </u>	<u>1</u>	<u>      </u>
<u>BRADBURY</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
<u>BURNS</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
<u>EISBART</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
<u>GIAQUINTA</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
<u>HENRY</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
<u>REDD</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
<u>SCHMIDT</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>2</u>	<u>      </u>
<u>STIER</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
<u>TALARICO</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>

DATE: 6-25-85  
Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)

(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. 3-07-85  
on the 25th day of June, 19 85,

ATTEST: (SEAL)  
Sandra E. Kennedy Mark E. GiaQuinta  
SANDRA E. KENNEDY, CITY CLERK PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of June, 19 85, at the hour of 11:30 o'clock A M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 26th day of June, 19 85, at the hour of 3:00 o'clock P M., E.S.T.

Win Moses, Jr.  
WIN MOSES, JR., MAYOR



RECEIPT NO. \_\_\_\_\_

DATE FILED \_\_\_\_\_

INTENDED USE Motel

THIS IS TO BE FILED IN DUPLICATE

I/~~We~~ JACKSON TSANG  
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an BLA District to a/an BLB District the property described as follows:

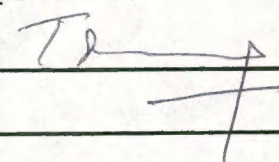
See Exhibit A attached and by this reference made a  
part hereof (Document # 84-009791)

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED: 1212 Magnavox Way, Fort Wayne, Indiana  
46804

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

<u>Jackson Tsang</u>	<u>1212 Magnavox Way</u>	<u>Fort Wayne, Indiana 46804</u>	<u></u>
_____ (Name)	_____ (Address)	_____ (Signature)	

(If additional space is needed, use reverse side.)

Legal Description checked by \_\_\_\_\_  
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

<u>Douglas E. Miller</u>	<u>395 Lincoln Bank Tower</u>	<u>(219) 423-9551</u>
_____ (Name)	<u>Fort Wayne, Indiana 46802</u> (Address & Zip Code)	_____ (Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.



Part of the Northwest Quarter of Section 7, Township 30 North, Range 12 East, in Wayne Township, Allen County, Indiana, more particularly described as follows:

Beginning at the Northeast corner of said Quarter section; thence South 89 degrees 56 minutes 27 seconds West on the North line thereof 579.0 feet; thence South 00 degrees 08 minutes 33 seconds East a distance of 180.00 feet to the South right of way of a frontage road, which is the true point of beginning of this description; thence South 00 degrees 08 minutes 33 seconds East a distance of 172.98 feet; thence along the arc of a tangent curve to the right having a central angle of 25 degrees 00 minutes 00 seconds and a radius of 542.95 feet a distance of 236.91 feet; thence South 24 degrees 51 minutes 27 seconds West a distance of 46.88 feet; thence along the arc of a tangent curve to the left having a central angle of 24 degrees 53 minutes 00 seconds and a radius of 602.95 feet a distance of 207.03 feet; thence South 89 degrees 56 minutes 27 seconds West a distance of 491.10 feet; thence North 23 degrees 07 minutes 55 seconds West a distance of 18.81 feet; thence North 28 degrees 49 minutes 50 seconds West a distance of 89.15 feet; thence North 13 degrees 27 minutes 48 seconds East a distance of 97.28 feet; thence North 25 degrees 06 minutes 36 seconds East a distance of 147.78 feet; thence North 89 degrees 56 minutes 27 seconds East a distance of 187.59 feet; thence North 00 degrees 03 minutes 33 seconds West a distance of 320.00 feet; thence North 89 degrees 56 minutes 27 seconds East a distance of 391.74 feet to the true point of beginning, containing 6.93 acres.

EXHIBIT A

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on May 14, 1985, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-85-05-13; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on May 20, 1985;

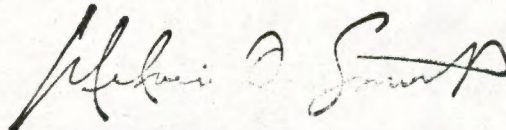
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held June 3, 1985.

Certified and signed this  
10th day of June 1985.



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Melvin O. Smith  
Secretary



PROPOSAL:

Jackson Tsang, petitioner, requests a change of zone from a B-1-A to a B-1-B

GENERAL INFORMATION:

Location:	On the west side of Magnavox Way south of Illinois Road and south of the existing frontage road. 1212 Magnavox Way
Legal Description:	Metes & Bounds in File
Existing Zoning:	B-1-A
Size of Property:	6.93 acres $\pm$
Surrounding Land Use & Zoning:	West - B-1-B - Open Areas & Commercial East - B-1-A - Commercial South - B-1-B - Commercial North - County
Reason For Request:	Petitioner would like to expand a motel on this site.
Applicable Regulations:	B-1-A does not allow a hotel or motel.
Comprehensive Plan:	The general land use policies state that rezoning and development proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed. The overall goal in the outer ring, where this request is located, is to encourage growth in a balanced manner that is within or adjacent to existing development in the urban service area. In the West Sector of the outer ring the goal of the plan is to contain urban growth within the urban service line. This location is within the existing urban service line and is a compatible land use with what exists in the area.
Urban Design:	No Comment
Neighborhood Planning:	No Comment
HANDS:	No Comment
Housing Authority:	No Comment

**FACT SHEET**

Z-85-05-13

BILL NUMBER

**Division of Community  
Development & Planning**

BRIEF TITLE

APPROVAL DEADLINE

REASON

Zoning Ordinance Amendment

**DETAILS****Specific Location and/or Address**

1212 Magnavox Way

**Reason for Project**

Petitioner would like to expand a motel on this site.

**Discussion (Including relationship to other Council actions)**

May 20, 1985 - Public Hearing

Doug Miller, attorney for petitioner stated that this property is the Ramada Inn. He stated that when this property was in the county and controlled by the City as fringe, it was zoned an "IA" symbol. He stated when it was annexed the City zoned it B-1-A which does not allow for a motel, thereby making the Ramada Inn a legal non-conforming use and unable to expand its facilities. He stated that the Ramada Inn wants to expand and needs to rezone in order to do so.

There was no one present who wished to speak in favor of or in opposition to the proposed rezoning.

June 3, 1985 - Business Meeting.

Motion to approve was made and carried.

Of the 7 members present 6 voted in favor of the request one did not vote.

**POSITIONS****RECOMMENDATIONS****Sponsor**

City Plan Commission

**Area Affected**

City Wide

Other Areas

**Applicants/  
Proponents****Applicant(s)**

Jackson Tsang owner Ramada  
Inn  
City Department

Other

**Opponents****Groups or Individuals**

Basis of Opposition

**Staff  
Recommendation**☒ For☐ Against

Reason Against

**Board or  
Commission  
Recommendation**

By

☒ For☐ Against☐ No Action Taken

☐ For with revisions to conditions  
(See Details column for conditions)

**CITY COUNCIL  
ACTIONS  
(For Council  
use only)**☐ Pass☐ Other☐ Pass (as  
amended)☐ Hold☐ Council Sub.☐ Do not pass



RECOMMENDATION		ACTION	
APPROVED	REJECTED	APPROVED	REJECTED
<input type="checkbox"/> Approved <input type="checkbox"/> Rejected	<input type="checkbox"/> Approved <input type="checkbox"/> Rejected	<input type="checkbox"/> Approved <input type="checkbox"/> Rejected	<input type="checkbox"/> Approved <input type="checkbox"/> Rejected

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

**Date** April 17, 1985

**Date** 10 June 1985

**Date** 10 June 1985

**Date** 10 June 1985

**Date** 10 June 1985

**Date** 10 June 1985

**Date** 10 June 1985



ORIGINAL

DIGEST SHEET

Admn. Appr. \_\_\_\_\_  
ORIGINAL

3-85-05-13

TITLE OF ORDINANCE \_\_\_\_\_ Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE \_\_\_\_\_ Land Use Management - CD&P

SYNOPSIS OF ORDINANCE \_\_\_\_\_ Commonly known as 1212 Magnavox Way, Ramada Inn.

EFFECT OF PASSAGE \_\_\_\_\_ Property is now zoned B-1-A - Limited Business. (Does not allow for a motel.) Property will become B-1-B - Limited Business. (Motel is allowed in this limited business zone.)

EFFECT OF NON-PASSAGE \_\_\_\_\_ Property will remain B-1-A - Limited Business.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) \_\_\_\_\_

ASSIGNED TO COMMITTEE (J.N.) \_\_\_\_\_



# RECEIPT

No 11969

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND.,

19

RECEIVED FROM

THE SUM OF

ON ACCOUNT OF

\$ 50.00

DOLLARS

AUTHORIZED SIGNATURE



## # 127

MAP NO. D-2

STATE ROAD NO. 14

FRONTAGE ROAD

ILLINOIS ROAD

GETZ ROAD

MAGNAVOX SQUARE

BIB

BIA

ALICE

C

NOTE: SEE WAYNE TWP BEFORE USING. 0.0424

0.00 0.01 0.02 0.03 0.04 0.05 0.06 0.07 0.08 0.09 0.10

BIB

BIA

ADD. RI

0.00 0.01 0.02 0.03 0.04 0.05 0.06 0.07 0.08 0.09 0.10

BIA LIMITED BUSINESS A  
BIB LIMITED BUSINESS B  
RI RESIDENTIAL DISTRICT

☐ SINGLE FAMILY  
☒ HOTEL  
☒ COMMERCIAL

**NORTH**

**Date:** 4-24-85



BILL NO. Z-85-05-13

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS  
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City of Fort Wayne  
Zoning Map No. D-2

HAVE HAD SAID (ORDINANCE) (RESOLUTION) UNDER CONSIDERATION AND BEG  
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)  
(RESOLUTION) \_\_\_\_\_

YES

NO

Charles B. Redd CHARLES B. REDD  
CHAIRMAN

Janet G. Bradbury JANET G. BRADBURY  
VICE CHAIRWOMAN

\_\_\_\_\_  
JAMES S. STIER

Ben A. Eisbart BEN A. EISBART

\_\_\_\_\_  
DONALD J. SCHMIDT

CONCURRED IN 6-25-85

SANDRA E. KENNEDY  
CITY CLERK